

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID E. MACK
Plaintiff,

vs.

CAPITAL MANAGEMENT
SERVICES LP

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Case No. 4:12-cv-314

JUDGE RON CLARK

TRIAL BY JURY DEMANDED

**DECLARATION OF CARA ROBINSON IN SUPPORT OF DEFENDANT'S
RESPONSE IN OPPOSITION OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On this day, December 20, 2012, I, Cara Robinson, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. §1746, that the following statements are true and correct.

1. My legal name is Cara Robinson.
2. I have been an employee of Capital Management Services, LP ("Capital") since 11/28/05. My current position with Capital is Vice President of Information Technology, User Security and Client auditing. I am also custodian of the records of Capital.
3. Capital's primary business purpose is the collection of debts.
4. Based upon my review of the records maintained by Capital, the matters stated below are based on my own personal knowledge and review of Capital's business records and if call upon I could and would competently testify thereto. The account notes are generated in the regular course of Capital's business and it is the regular course of Capital's business to make such records within a reasonable time of the transaction or occurrence indicated in the notes.
5. On May 12, 2009, Galaxy Portfolio Management, LLC. referred Plaintiff's account to Capital for collection.
6. On May 13, 2009, Capital pulled Plaintiff's credit report for the purpose of collecting on the Plaintiff's account which was referred to Capital for collection by the original creditor, Galaxy Portfolio Management, LLC.
7. Plaintiff's credit report was obtained by Capital subsequent to receiving Plaintiff's account for collection from Galaxy Portfolio Management, LLC.
8. In 2009, Capital contact David Mack on numerous occasions regarding the account placed by Galaxy Portfolio Management, LLC. for collections. On or about May 29, 2009, Capital spoke with David Mack regarding the account. David Mack never sent any written communication to Capital indicating that he disputed the debt or did not owe the debt.

Executed on this day 20 of December 2012, in Erie County, New York.



Cara Robinson